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S/N 10/552,887

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Patell, V.M.	Examiner:	Cynthia Collins
Serial No.:	10/552,887	Group Art Unit:	1638
Filed:	October 12, 2005	Docket No.:	20049.1USWO
Title:	RICE CONFERRING RESISTANCE TO ENVIRONMENTAL STRESS BY TARGETING MnSOD TO THE CHLOROPLAST		

DECLARATION UNDER 37 CFR §1.132

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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OFFICE OF PETITIONS

Dear Sir:

I, Viloo Morawala-Patell, hereby declare as follows:

1. I am the founder and CMD of Avestha Gengraine Technologies Pvt. Ltd., the assignee of US Patent Application No. 10/552,887.

3. I have been working closely with those associated with deposit of the seeds for Godavari 8 and Salween 2 relative to the application identified above and am familiar with the activities related to the deposit of the seeds.

A detailed timeline of the events relating to deposit of the seeds between May 4, 2010 and October 21, 2010 is provided as follows:

On May 4, 2010, a draft Examiner's Amendment was sent by Examiner Collins and the draft Examiner's Amendment was forwarded to a representative of Avestha Gengraine Technologies Pvt. Ltd. (hereinafter, "Avesthagen"; Avesthagen is the assignee of current application) on the same date. On May 5, 2010, the draft Examiner's Amendment was accepted.

Between approximately May 6, 2010 and June 29, 2010, efforts were made by representatives of Avesthagen to locate an appropriate depository. Initially, MTCC, an International Depository Authority (IDA) in India, was contacted. However, the representatives of Avesthagen were informed that MTCC does not accept seeds.

Further efforts were made to find alternatives to an IDA under 37 CFR §1.803. The National Bureau of Plant Genetic Resources (NBPGR) was identified as a possible candidate as an alternative to an IDA.

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On May 25, 2010, a fax was sent to Examiner Collins asking if NBPGR would be an acceptable depository for the deposit of the seeds.

On June 25, 2010, the Examiner advised that the NBPGR is not on the PTO's approved list of IDAs, and therefore, a deposit with them would not be accepted.

On June 29, 2010, a representative of Avestha contacted Ms. Roschelle, an associate specialist from ATCC in the US. Ms. Roschelle provided the list of requirements for the deposit to be made at ATCC.

On July 2, 2010, an account under Avesthagen was opened as part of the requirements for the deposit. The required forms for the deposit of seeds also were completed and submitted. At this time, Ms. Roschelle was replaced by Ms. Latha Ramakrishnan. World Courier, an international courier service provider, was then informed regarding the shipment of the seeds from India to ATCC.

On July 13, 2010, ATCC informed a representative of Avestha that an import permit is not required for the shipment of the seeds from India to ATCC in the US.

On July 28, 2010, a payment was made to the World Courier for the consignment.

On July 29, 2010, documents to World Courier were submitted to clear Indian and US customs.

On July 30, 2010, a payment for the deposit of the seeds was wire transferred to ATCC. World Courier also informed me that a permit is required by the US customs.

On July 31, 2010, World Courier asked me whether the seeds are genetically modified organisms (GMO) or non-GMO. A representative of Avestha indicated that the seeds were the former.

On August 2, 2010, customs in India was cleared. However, World Courier needed an import permit for the seeds to clear US customs so they contacted ATCC. ATCC then contacted me regarding the detailed information of the seeds. Between August 3 and 4, 2010, a representative of Avestha submitted the detailed information regarding the seeds to ATCC.

On August 5, 2010, ATCC confirmed that an import permit is not required, but indicated that an import permit letter was required.

On August 6, 2010, US customs informed me that they wanted confirmation from ATCC, and that they would release the seeds only after the confirmation was received. Apparently, attempts were made by the US customs to contact ATCC, but US customs indicated that they were forwarded to voice mail.

On August 12, 2010, ATCC informed me that ATCC has applied for a USDA Biotech Regulatory Services (BRS) permit, and on an USDA BRS officer's advice, applied for BRS notification and for PPQ 526 on August 6, 2010. The applications include a BRS permit application, BRS notification application and PPQ 526 application.

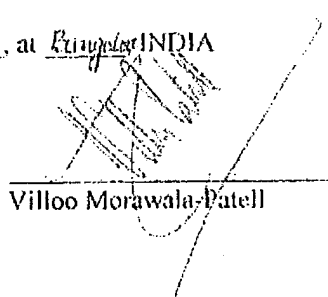
The application numbers are: 10-218-102m (BRS permit application), 10-218-102n (BRS notification application) and P526-100806-009 (PPQ 526 application).

On September 15, 2010, all documents required for shipment from ATCC (the notification from the BRS and the labels) were received, but ATCC posed another requirement of obtaining a phytosanitary certificate.

On September 28, 2010, the accession numbers were received.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my information and belief.

Signed this 28 of OCTOBER, at Hyderabad INDIA


Viloo Morawala-Patell